

REMARKS

The Office Action dated April 28, 2009 has been received and carefully considered. In this response, claims 1-7, 9-15, and 18-35 have been cancelled without prejudice or disclaimer. Claims 36-70 have been added. Support for the new claims may be found in the specification and drawings as originally filed. Reconsideration of the outstanding rejection in the present application is respectfully requested based on the following remarks.

Objection to Claims 1-7, 9-15 and 18-35

At page 2 of the Office Action, claims 1-7, 9-15 and 18-35 were objected to because the claimed invention is directed to non-statutory subject matter. Although Applicants disagree with the objection, in the interest of moving prosecution forward claims 1-7, 9-15 and 18-35 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the objection is respectfully requested.

35 U.S.C. § 112, Second Paragraph Rejection of Claims 1-7, 9-15 and 18-35

At page 3 of the Office Action, claims 1-7, 9-15 and 18-35 are rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which application regards as the invention. Although Applicants disagree with the objection, in the interest of moving prosecution forward claims 1-7, 9-15 and 18-35 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the Section 112 rejection is respectfully requested.

Anticipation Rejection of Claims 1-5, 7, 9, 10, 28-31, 33 and 34

At page 5 of the Office Action, claims 1-5, 7, 9, 10, 28-31, 33 and 34 are rejected under 35 U.S.C. § 102(b) as being anticipated by Markosian et al. (U.S. Patent No. 6,446,239). Although Applicants disagree with the rejection, in the interest of moving prosecution forward claims 1-5, 7, 9, 10, 28-31, 33 and 34 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the anticipation rejection is respectfully requested.

Obviousness Rejection of Claims 6, 11-15, 18-27, 32, and 35

At page 9 of the Office Action, claims 6 and 11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al. (U.S. Patent No. 6,584,599). At page 9 of the Office Action, claims 32 and 35 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al. At page 10 of the Office Action, claims 12-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii, further in view of Ganesh et al. (U.S. Patent No. 6,823,500). At page 11 of the Office Action, claim 18 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii et al. At page 12 of the Office Action, claims 19-27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Markosian in view of Fujii, further in view of Ganesh et al. Although Applicants disagree with the rejection, in the interest of moving prosecution forward claims 6, 11-15, 18-27, 32, and 35 have been cancelled without prejudice or disclaimer. Accordingly, withdrawal of the obviousness rejections is respectfully requested.

New Claims 36-70

Claims 36-70 have been added. Each of these claims recites elements not disclosed or rendered obvious by the cited references. For example, claim 36, from which claims 37-47 depends, recites “selecting at the computer device a first portion of a first transistor of the circuit layout in response to determining the first portion extends outward in the first direction from a first logical device of the circuit layout, the first logical device comprising the first transistor.” Claim 48, from which claims 49-59 depends, recites “selecting at the computer device a first portion of a first transistor of the circuit layout in response to determining the first portion is at an edge of a first logical device of the circuit layout, the first logical device comprising the first transistor.” Claim 60, from which claims 61-70 depends, recites “selecting at the computer device a first portion of a first transistor of the circuit layout in response to determining the first portion is not at an edge of a first logical device of the circuit layout, the first logical device comprising the first transistor.” None of these features are disclosed or rendered obvious by the cited references, either individually or in combination. Accordingly, consideration and allowance of new claims 36-70 is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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Date